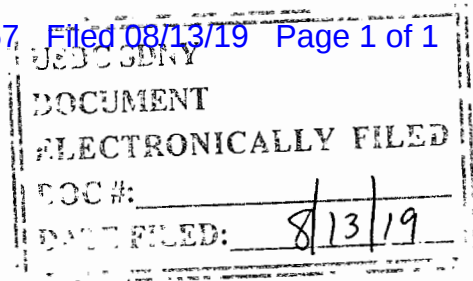


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



In re Namenda Direct Purchaser Antitrust Litigation

No. 15 Civ. 7488 (CM)

ORDER

McMahon, C.J.:

The Direct Purchaser Plaintiffs have filed a motion for clarification concerning trial phasing. (Dkt. No. 860.)

Phase One of the trial will include the issues of the “pay to delay” violation, as well as of “pay to delay” causation, *i.e.*, “fact of injury.” (See Dkt. No. 859 at 19.)

Phase Two of the trial will include the issues of “hard switch” liability, which pursuant to the Court’s collateral estoppel ruling means “proof of an antitrust injury to Plaintiffs caused by Forest’s conduct,” *In re Namenda Direct Purchaser Antitrust Litig.*, No. 15-cv-7488, 2017 WL 4358244, at *17 (S.D.N.Y. May 23, 2017), as well as “overall damages,” *i.e.*, quantum of damages for both the “pay to delay” and “hard switch” claims. (See Dkt. 859 at 19; *see also* Dkt. No. 692 at 2.)

It is so ordered. The Clerk of Court is respectfully requested to close the motion at Docket Number 860.

Dated: August 13, 2019

A handwritten signature in black ink, appearing to read "Peter M. McMahon".

Chief Judge

BY ECF TO ALL PARTIES